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Deal Seems Near On C.I.A. Files

The Central Intelligence Agency and the American Civil Liberties Union have been knocking heads for years over the Freedom of Information Act. Now a bill introduced by Senator Barry Goldwater, Republican of Arizona, has brought them close to compromise on what kind of information is free and what isn't.

The proposed amendment to the C.I.A.'s founding legislation, the National Security Act of 1947, would relieve the agency from having to search its "operational files," which show the nitty-gritty of intelligence gathering. This would include technical means of spying, foreign intelligence and counterintelligence operations, investigations of potential informants and cooperative deals with foreign governments. Current practice upon receiving a request under the Freedom of Information Act is to locate and review these documents, but to censor the final release. The public could still see unclassified political, economic and scientific material, however. "If we thought we were losing information that is now available, we would never go along with this proposal," said Mark E. Lynch, staff attorney for the civil liberties union. Mr. Lynch said the bill would help speed disclosures that now face a two or three year backlog.

"We favor this bill," said Ernest Mayerfeld, C.I.A. deputy general counsel, who said that agency support reflected a major change from its previous contention that it should be entirely exempt from the disclosure law. "If someone challenges a 'classified' stamp," he said, "we are obliged in court to justify the classification of every piece of paper and every portion of the document."

Because the Goldwater bill is shaped to fit C.I.A. activities, John Shattuck of the civil liberties union's Washington office expressed concern that it might open the way for piecemeal exemptions for other Federal agencies. "We have many questions about the bill," he said, "but the underlying premise seems to be that the C.I.A. is willing to live with the exemption it already has."